

226515



**IOWA
NATURAL HERITAGE
FOUNDATION**

Insurance Exchange Building
Suite 444
505 Fifth Ave.
Des Moines, Iowa 50309

Phone: 515-288-1846
Fax: 515-288-0137
e-mail: info@inhf.org
www.inhf.org

February 25, 2010

FILED FEB 25 2010

Anna K. Quinlan, Secretary
Surface Transportation Board
1925 "K" Street, NW
Washington, D.C. 20423-0001

RE: Union Pacific Railroad Company Railroad Abandonment, Polk County in
Iowa; Docket # AB-33 (Sub-No. 248X)

Dear Mrs. Quinlan:

This comment should be treated as a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the Polk County Conservation Board, the City of Bondurant (public agencies), the Iowa Trails Council and the Iowa Natural Heritage Foundation (non-profit corporations), which are parties interested in conservation and recreation, and are hereinafter referred to as "Commenter".

While not taking a position on the merits of this abandonment, Commenter requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between milepost 225.56 near Berwick and milepost 232.80 near Bondurant.

A. Public Use Condition

Commenter requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting Union Pacific Railroad (UPRR) from disposing of the corridor, including tracks, ties and signal equipment, except for

2. public use on reasonable terms. The justification for this condition is that the corridor will connect two existing regional trails, The Chichaqua Valley Trail which begins in Bondurant and the Gay Lea Wilson Trail that connects to this line in Berwick. These trails are part of the Central Iowa Trail Loop. The corridor also provides important wildlife habitat and its preservation as a trail is consistent with the conservation efforts of the Four Mile Creek Greenbelt. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time to complete negotiations with the railroad.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for trail purposes and future reactivation of rail service. The time period requested is 180 days from the effective date of the abandonment authorization in order to complete negotiations with the railroad.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking and interim trail use. In addition to the public use conditions sought above, Commenter also makes the following statement:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY: In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C.1247(d), and 49 C.F.R. 1152.29, Commenter is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by UP Railroad Company after transfer of the corridor to the public agencies.

The Polk County Conservation Board, City of Bondurant, the Iowa Trails Council Iowa and the Natural Heritage Foundation acknowledge that the use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

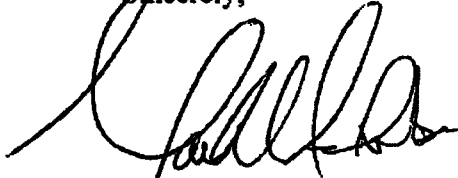
The property extends from milepost 225.56 near Berwick and milepost 232.80 near Bondurant, in Polk County, Iowa. The right-of-way is part of a line

of railroad proposed for abandonment in STB Docket No AB 33 (Sub No 248X). A map depicting the right-of-way is attached.

By my signature below, I certify service upon Union Pacific Railroad Company c/o Mack Schumate, Room 1920, 101 N. Whacker Drive, Chicago, IL 60606, by U.S. Mail, postage prepaid, first class, this 25th day of February, 2010 and via FAX number 312-777-2065.

On behalf of the Polk County Conservation Board, the City of Bondurant Iowa Trails Council and the Iowa Natural Heritage Foundation, thank you for your consideration of this petition.

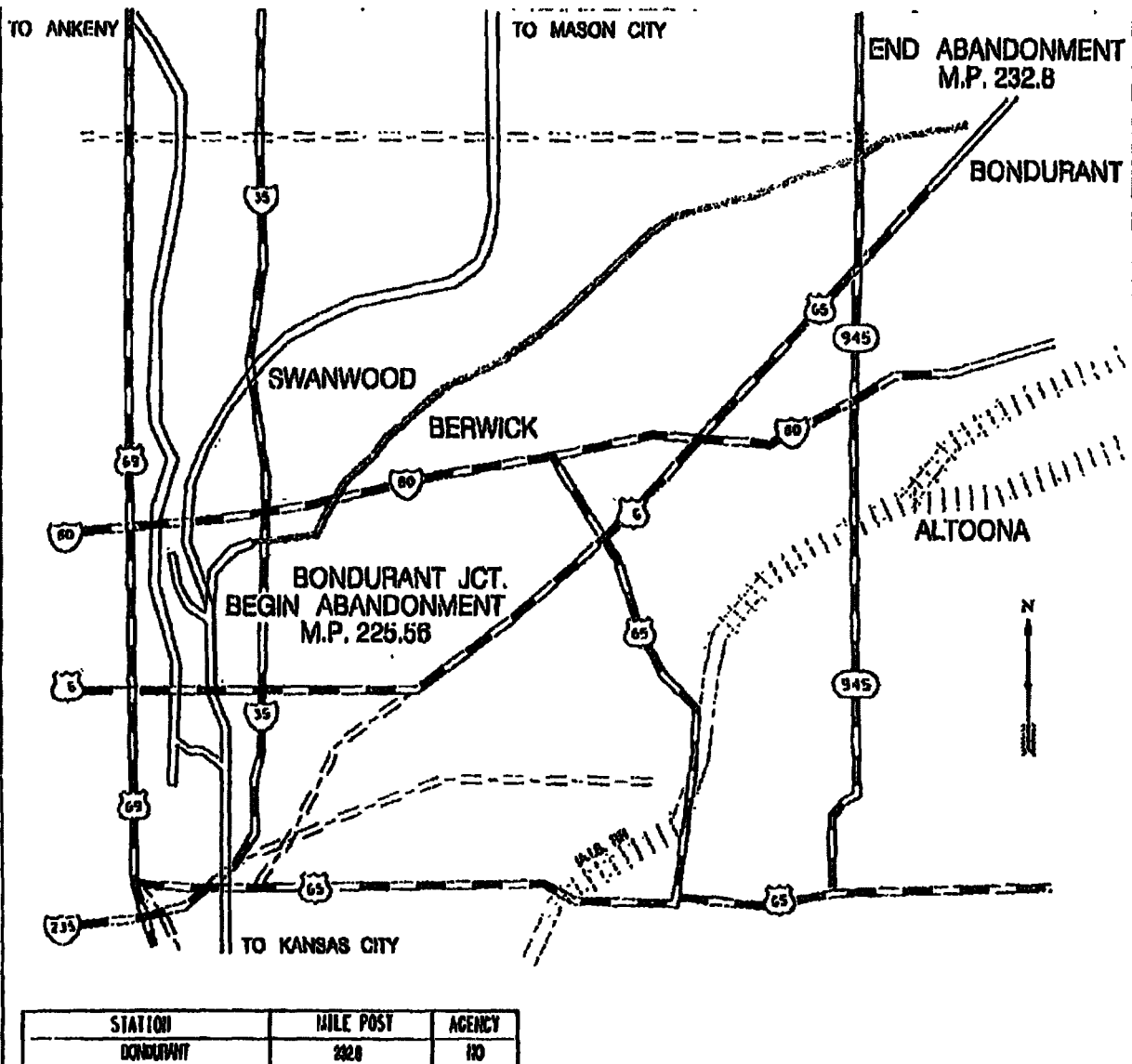
Sincerely,

A handwritten signature in black ink, appearing to read 'Mark C. Ackelson', written over a horizontal line.

Mark C. Ackelson
President

cc: Polk CCB, City of Bondurant, Iowa Trails Council

Attachment 1



NOTE: THERE ARE NO 50+ YEAR OLD STRUCTURES

LEGEND

	RR LINES TO BE ABANDONED
	OTHER UPRR LINES
	OTHER RAILROADS
	50+ YEAR OLD STRUCTURES
	PRINCIPAL HIGHWAYS
	OTHER ROADS

Bondurant Industrial Lead

M.P. 225.58 TO M.P. 232.80
A TOTAL OF 7.24 MILES
IN FOLK COUNTY, IOWA

UNION PACIFIC RAILROAD BONDURANT INDUSTRIAL LEAD

SCALE MILES

FILE: q:\abandonments\sub0333_bondurant.dgn

DATE: 30 Nov-06 H:41